

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	TAKAMI, Shinichiro
Application No.:	10/673767
Filed:	September 29, 2003
For:	Polishing Composition and Polishing Method Using the Same
Examiner:	Michael A. Marcheschi
Group Art Unit:	1755

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Docket No.: O11.2B-11336-US01

## DECLARATION OF YUTAKA INOUE UNDER §1.132

I, Yutaka Inoue state:

1. I have been employed with Fujimi Incorporated since 1991. I have a Bachelor of Science degree in Earth Sciences. My current position is that of Senior Engineer R&D. I am a listed inventor or the sole inventor on U.S. Patent 6,280,652 as well as pending U.S. patent applications directed to polishing compositions. My employer Fujimi Inc. has over 40 U.S. Patents directed to polishing compositions. I am very familiar with polishing of wafers. I have a level of knowledge and familiarity with these that is at least equivalent to that of one of ordinary skill in the art.
2. I am an inventor of U.S. Pat. Publication No. 2001/0003672 and U.S. Pat. 6,280,652 which are being cited in an Office Action to Application No. 10/673,767. I provide this Declaration in support of the patentability of the invention described therein.
3. I have reviewed the Office Action mailed June 8, 2005 and September 21, 2004. The assertion in the Office Actions that the cited prior art references inevitably encompasses particles having  $D_{95}$  and  $D_5$  values and ratios as claimed is incorrect. The

**Declaration**  
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patent application tables and supporting text clearly is evidence of the criticality of the claimed ratio. The data clearly shows that ratios outside of the claimed limits have unacceptable staining as a result of abrasives remaining on the wafers. The prior art compositions relied upon in the Office Actions utilized silicon dioxide, but had no appreciation that it is critical to control the claimed ratios. In fact, the unacceptable staining described in the patent application would be found in each of the cited references since they had no appreciation of the criticality of the claimed ratios and would have many particles that are too small, which causes the staining and hazing. As an inventor of US Patent Publication No. 2001/0003672 and US Patent 6,280,652, I would consider the current application to be patentable over my patent since I had no appreciation of the criticality of the claimed ratios. The claims of the application are not obvious over any of the cited references, alone or in combination, since none teach or suggest the claimed ratios which are critical.

4. I declare that all statements made herein of my knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: December 1, 2005

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Yutaka Inoue